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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Benjamin Silberstein
Serial No. : 10/802,359
Filed : March 16, 2004
For : **METHOD FOR SELLING JEWELRY WITH STONES
FROM A SINGLE SOURCE**
Examiner : William Allen
Art Unit : 3625

Twelve East 41st Street
Suite 701
New York, NY 10017
Tel. (212) 532-8585

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 28, 2006

Maria Frangomihalos

Signature

April 28, 2006

Date of Signature

LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Communication mailed March 3, 2006.

REMARKS

Requirement for Information under 37 C.F.R. 1.105

Applicants and assignee of this application were required under 37 C.F.R. 1.105 to provide a copy of any non-patent literature, published application, or patent (U.S. or Foreign), by any of the inventors, that relates to the claim invention.

Specifically, Applicants have made known to the Patent Office that there is a product (“The Soulmate Collection”) infringing the pending claims of Applicants’ invention. But Examiner states that “Applicant has provided no information pertaining to the related product and method of use.” Examiner, therefore, requested that any and all information concerning the infringing product be made available to the Patent Office.

“The Soulmate Collection” is a product marketed by JB Diamonds Group, Los Angeles. Attached to this letter is (1) an article published in *Modern Jeweler* entitled “Diamond Duos” written by Cheryl Kremkow and Ivan Solotaro in August 2005; and (2) an article published on www.variety.com entitled “Lord of the Rings” written by Graham Flashner on February 9, 2006, both of which reference the infringing product.

Applicants and assignee of this application further state that they have made a good faith effort to provide any and all information concerning the infringing product to the Patent Office.

Applicants therefore respectfully submit that all of the claims pending in the application are in condition for allowance, which action is earnestly solicited.

CONCLUSION

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

By:



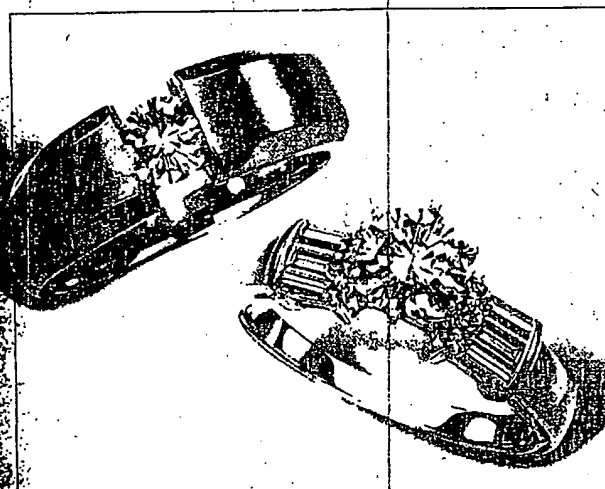
Matthew T. Dennehy
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DIAMOND Duos

With diamond brands crowding the marketplace, some companies have hit upon a way to stand apart: branding not one diamond, but two. Although YEI's "Perfectly Matched" brand and Diamond Pairs have long successfully marketed matched sets of diamonds to the trade, two new brands that debuted in Las Vegas are aimed at the consumer rather than the jeweler.

Kirchner launched the "Mother and Child Diamond," an extension of its popular trademarked Mother and Child jewelry line. Sightholder JB Diamonds also launched "SoulMate," two diamonds cut from the same piece of rough.

Since 1981, Minneapolis-based Kirchner has sold more than a million pieces of Mother and Child gold jewelry. The extension of the brand into diamonds was natural, explains



TWO DIAMONDS CUT FROM THE SAME ROUGH: MEN'S BAND AND WOMEN'S ENGAGEMENT RING FEATURE "SOULMATE" DIAMONDS FROM JB DIAMONDS, (888) 274-3306.

Don Kirchner, since there is an even larger market for diamonds for life events like the birth of a child and graduation. The Mother and Child Diamond has an emotional impact, with its natural celebration of the special bond that exists between a mother and her children. "It also helps to create a relationship with the next generation," Kirchner says.

In addition to two-diamond "families," each displayed in a custom box with individual certificates, Kirchner also offers larger sets for three generations or for mothers with more than one child. "Because all the Mother and Child diamonds meet the same general criteria—H or better, SI2 or better, cut to matching 60/60 proportions—additional diamonds can be added to the set for additional children. Each diamond is laser inscribed with matching serial numbers," the company calls "fingerprints."

PLAYFUL DIAMONDS

by

Cherie Dori



Cherie

Tele

WWW.C

JANUARY SHOW BOO

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DIAMOND SCENE

Mother diamonds range from 0.65 to 0.20 carats and Child diamonds range from 0.35 to 0.10 carats. Suggested retail ranges from \$799 to \$4,449. Kirchner is providing a co-op allowance, display

and packaging, and training for sales associates. A starting kit with 32 diamonds is \$12,000.

The company anticipates that many Mother and Child Diamonds will be set

into a piece of Mother and Child jewelry after purchase. Most families will set each diamond into a separate piece of jewelry, multiplying the add-on sales for the retailer.

SoulMate diamonds from JB Diamonds are two diamonds cut from one piece of rough "that have been together for a billion years," as JB's luxury division president George Prout puts it. Once the two stones are cut from the rough, they are carefully tracked to make sure that they can be reunited after cutting and polishing.

SoulMate capitalizes, both on the emotion behind the diamond purchase and a peculiarity of the box received by the Indian-based sightholder. The rough in JB's typical box includes the shape known to cutters as a "cube." This shape economically cuts two round brilliants closer in size than the large and small cleavages of octahedrons and dodecahedrons, with less than 50 percent in total weight loss in cutting. The one drawback is that cubes tend to be small. The larger of the two finished pieces is seldom more than a carat.

Targeted principally as an expression of the mother-daughter bond, SoulMate can easily extend to best friend, sister, or wife. Packaged loose, the two stones are sold in a handsome teal lacquered box. Collateral material includes a certificate and an extensive history of the stone, from origin to polishing.

Although SoulMate diamonds are packaged as loose stones, JB Diamonds has created a collection of gold and platinum bridal and fashion jewelry, including engagement rings, men's wedding bands, and matching heart pendants.

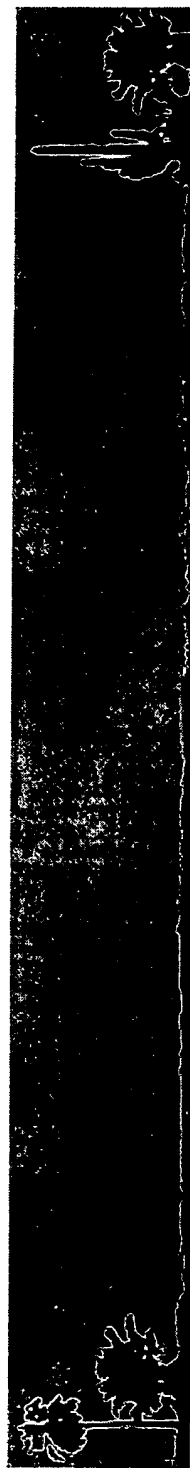
JB Diamonds is supporting the brand with advertising, public relations, and retail training. A new division in Los Angeles, Luxury by JB Diamonds, supplies the jewelry and marketing service to independent jewelers. In addition the company launched the new Charles Winston Couture jewelry collector and also supplies non-branded jewelry

— Cheryl Kremkow and Ivan Solotaro





April 28, 2006



Lords of the rings

These engagement rings are a cut above the rest

By **Graham Flashner** - Thurs., Feb. 9, 2006

In Los Angeles, sporting a standard solitaire is about as desirable as driving a Honda.

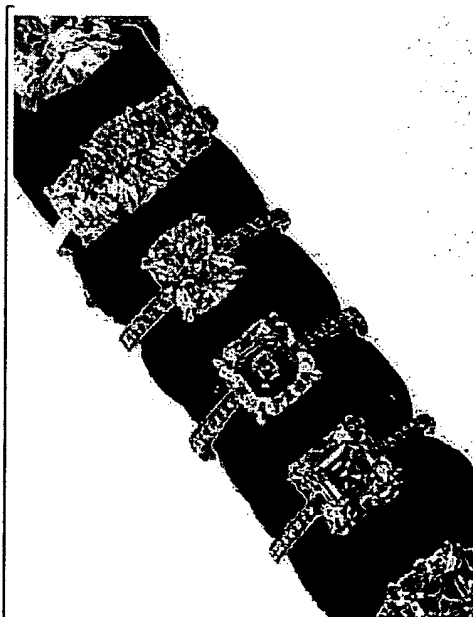
Says jeweler Neil Lane, "What might be appropriate in Des Moines doesn't fly in Hollywood."

As a result, engagement rings in this town contain their own unique form of anxiety. Would-be grooms find themselves on a quest for unusual cuts, out-of-the-way stores and serious one-upmanship.

"We're all jaded by this nonsense," says Ron Rosenblum of the family-owned XIV Karats boutique on Beverly Drive. "What looks big today doesn't look as big in two years. Even a 10-carat ring doesn't look as big after a while."

But it's not just size that matters.

Taking cues from Lane clients like Kate Hudson and Sandra Bullock,



GIVE THEM A HAND Cushion- and Asscher-cut rings from the expansive XIV Karats store in Beverly Hills.

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Variety Vision

in this issue

Front row for foodies

Cooking is theater at the chef's table

Get a Life

What's there to do in L.A. this week? Shakira and Wyclef Jean perform at the Staples Center, Coachella Valley Music and Arts Festival begins, Cedric the Entertainer and others discuss the production process at the Entertainment Business Seminar, more

Fizzy wine tastes fine

Getting to know Moscato d'Asti

Gallery-worthy wallpaper

A wall-covering revival has designs to suit every taste. Possible exception: your grandmother

The mothers of invention

Desperate brokers will do and say (almost) anything to get a listing

The Stylephile:

Prada, prana, yoga

buyers are looking for pricier and more intricate cuts. Hudson wears an Old European-inspired Asscher-cut solitaire that has a square shape and dramatic beveled corners; Bullock sports a custom-made cushion-cut diamond, named for its pillow-like shape.

"It's not so much the woman who's competing, but the guy," says Kurt Rothner of Excalibur, who specializes in Edwardian and Art Deco antique rings and operates just steps from Lane's shop in the Antiquarian emporium. "He wants to show how successful he is."

And while Rothner says he won't put the squeeze on his clients, he recognizes the vulnerability of the male ego. "It's easy to embarrass a guy into spending more than he wants to on a ring."

Men with thinner wallets, however, can make up the difference with sentiment.

International distributor JB Diamonds Group recently launched SoulMate wedding bands, which feature a single natural stone sheared into two; husband and wife each get half.

The diamond-embedded rings, which are kept together through the entire formation process, start at \$400 for an 8-point (.08-carat) gem.

Still, Lane believes nuptials aren't the time to skimp.

"Stretch the budget," he says. "A guy should feel a little pain in his wallet."

Neil Lane

8840 Beverly Blvd.
West Hollywood
(310) 275-5015

What's hot: Cushion-cut diamonds in tulip-design settings and diamond-encrusted rings with floral patterns

Expect to drop: \$30,000-\$50,000 for 3 carats

XIV Karats

314 S. Beverly Dr.

Conquering cancer

Help orgs raise funds to find a cure

Pushy Questions For...

Frank McCourt, author, plays harmonica with the Rock Bottom Remainders at UCLA to benefit 826LA, Saturday at 8 p.m.

Beverly Hills
(310) 551-1212

What's hot: Any cushion- or Asscher-cut diamond
Expect to drop: \$10,000-\$25,000 for 1½-2 carats

Excalibur

8840 Beverly Blvd.
West Hollywood
(310) 859-2320

What's hot: Cushion-cut diamonds in Edwardian platinum settings
Expect to drop: Starts at \$2,500 for ½-¾ carat

Romano's Jewelers

510 W. 6th St.
Los Angeles
(323) 838-1242

What's hot: A pair of SoulMate diamond wedding bands mounted in white gold

Expect to drop: Up to \$799 per ring for 12 points (.12 carats)

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